UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,497	09/29/2000	Jonathan R. Taylor	M-10716 US VOXE.001US0	1763

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EXAMINER
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ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/675,497	TAYLOR, JONATHAN R.	
	Examiner	**Art Unit**	
	Christopher M Swickhamer	2662	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-15_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

     a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _6 & 7_ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Specification

1.   The disclosure is objected to because of the following informalities: On page 11, lines 12

and 22, the specification refers to the vAPP's as "110, ..., 112," whereas Fig. 2 shows the

vAPP's as being "110, ..., 110'." The specification or drawings must be modified so that they

are consistent with one another.

     - Appropriate correction is required.

2.   The lengthy specification has not been checked to the extent necessary to determine the

presence of all possible minor errors. Applicant's cooperation is requested in correcting any

errors of which applicant may become aware in the specification.

Claim Objections

3.   Claims 13-15 are objected to because of the following informalities: the claims should

state that "a method . . . as in anyone of *claims* 9-12." The word "claims" should be added

before "9-12" in claims 13-15. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3, 6-7, 9-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Jimenez et al (USP 2002/0006124 A1, hereafter Jimenez).

- Referring to claim 1, Jimenez discloses a networked computer telephony system,

comprising: a plurality of Extensible Markup Language (XML) documents being hosted by web

servers on the Internet (paragraph [0005], [0021]-[0024], [0027]), each of said XML documents

constituting a telephony application associated with a specified address (call number) and

including telephony-specific XML tags instructing how a telephone call to the specified call

number is to be processed (paragraph [0038]); one or more Audio Browsers with VXML

Browser Modules (application gateway center) accessible via the Internet for receiving and

processing said telephone call (paragraph [0006]), said one or more VXML Browser Modules

(application gateway center) individually further comprising: means for retrieving the XML

document associated with the specified address (call number); and means for executing the

associated XML document including telephony-specific XML tags to process said telephone call

(paragraph [0034]).

- Referring to claim 2, Jimenez discloses the networked computer telephony system as in

1, wherein said system includes the Public Switched Telephone Network (PSTN) and the

Internet (Fig. 2).

- Referring to claim 3, Jimenez discloses the networked computer telephony system as in

2, wherein said telephone call originated from the PSTN and is routed to the internet via an IP

telephony gateway (internet access server, Fig. 2).

- Referring to claim 6, Jimenez discloses the networked computer telephony system as in

1, where said one or more VXML Browser Modules (application centers) individually further

comprises: to a Web Cache (caching server) for caching data exchanged between the VXML

Browser Module (application center) and the Internet (Fig. 2).

- Referring to claim 7, Jimenez discloses the networked computer telephony system as in

1, wherein: said one or more application centers individually manipulates media in a predefined

format native to the Audio Browsers (application center); and said one or more Audio Browsers

(application centers) individually further comprises: a Telephony Interface Module (media

conversion proxy server) for converting between said predefined format native to the Audio

Browsers (application gateway center) and other media formats outside of the Audio Browsers

(application gateway center, Fig. 2, paragraph [0032]).

- Referring to claim 9, Jimenez discloses a method of processing a telephone call to a

specified address (call number), comprising: providing an Extensible Markup Language (XML)

document associated with the specified address (call number, paragraph [0005], [0021]-[0024],

[0027]), said XML document constituting a telephony application and including

telephony-specific XML tags instructing how a telephone call to the specified address (call

number) is to be processed (paragraph [0038]); posting said XML document to a specified

location on the Internet; providing a directory in a VXML Browser module for locating said

XML document by the specified address (call number); receiving said telephone call on the

Internet (Fig. 2_; retrieving said XML, document at the specified location looked up from said

directory with the specified address (call number); and processing said telephone call according

to said XML document (paragraph [0034], [0038]).

- Referring to claim 10, Jimenez discloses a method of processing a telephone call to a

specified address (call number) as in 9, further comprising: providing an Audio Browser

(application gateway center) on the Internet for performing said step of receiving said telephone

call, retrieving said XML document and processing said telephone call according to said XML

document performed by said Audio Browser (application gateway center, paragraph [0034]).

- Referring to claim 11, Jimenez discloses a method of processing a telephone call to a

specified address (call number) as in 10, wherein: to said XML document posted to a specified

location is one of a plurality of XML, documents at different locations on the Internet; and Audio

Browser has a VXML Browser Module which (application gateway center) is one of a plurality

of VXML Browser Modules (application gateway centers) provided on the Internet (paragraph

[0006], [0034]).

- Referring to claim 12, Jimenez discloses a method of processing a telephone call to a

specified address (call number) as in 11, further comprising: monitoring the accessibility of each

XML documents relative to said plurality of VXML Browser Modules (application gateway

centers) on the Internet; and responsive to said monitoring, receiving said telephone call at one of

said plurality of VXML Browser Modules (application gateway centers) that is most accessible

to said XML document (paragraph [0006]).

- Referring to claim 13, Jimenez discloses a method of processing a telephone call to a

specified call number, as in anyone of 9-12, wherein said telephone call originated from the

Public Switched Telephone Network (PSTN, Fig. 2).

- Referring to claim 15, Jimenez discloses a method of processing a telephone call to a

specified call number, as in anyone of 9-12, wherein said telephonic call originated from a

wireless network (Fig. 2).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 4, 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Jimenez.

- Referring to claims 4, 5 and 14, Jimenez discloses the networked computer telephony

system as in 2, but does not expressly disclose wherein said telephone call originated from a

Voice-over-IP phone connected to the Internet, nor that said telephone call originated from a

telephone attached to a computer connected to the Internet. Also, Jimenez does not discloses a

method of processing a telephone call to a specified call number, as in anyone of 9-12, wherein

said telephone call originated from the Internet. Voice over IP is well known in the art. The

system of Jimenez could be modified so that the calling signal received from the user at the

Audio Browser could be a Voice over IP signal. At the time the invention was made, it would

have been obvious to one of ordinary skill in the art, to combine the system of Jimenez, with the

ability to receive Voice over IP calls to retrieve XML documents over the Internet. One of

ordinary skill in the art would have been motivated to do this since it allows the user to carry

voice conversations and data traffic over the same connection. Voice over IP uses a different

network to carry voice traffic than the PSTN; however, they serve the same function. The

Internet allows for carrying voice and data simultaneously, whereas the telephone network does

not.

8.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jimenez in view of

Wan et al (USP 2003/0142625 A1, hereafter Wan).

        - Referring to claim 8, Jimenez discloses the networked computer telephony system as in

1, but does not expressly disclose the system of claim 1 further comprising: a plurality of

network traffic monitors, each associated with an individual application gateway center for

periodically monitoring network traffic statistics regarding a response tune of a specific XML

document being requested by a specific application gateway center; a network monitoring server

for dynamically analyzing said network statistics collected from said plurality of network traffic

monitors into a prioritized list of XML documents relative to application gateway centers having

the fastest access thereto; and means responsive to said prioritized list for directing said

telephone call to a specific call number to the application gateway with the fastest access to said

associated XML document. Jimenez does disclose monitoring the VXML Browser Modules

(application gateway center) to determine if the browser is working or at capacity (paragraph

[0006]). Wan discloses a system with a server and traffic monitors that tracks the congestion of

the network (abstract, Fig. 2 & 3, paragraphs [0054]-[0056]). The system of Jimenez could be

modified to have congestion monitors on the network to monitor the response times between the

VXML browser modules and the web servers across the Internet. At the time the invention was

made, it would have been obvious to one of ordinary skill in the art to combine the system of

Jimenez, with a system that monitors the traffic across the network and prioritizes the VXML

Browser Modules based on which browser has the fastest retrieval time. One of ordinary skill in

the art would have been motivated to do this since monitoring congestion allows the system to

react to reroute data and requests over routes that are used less often to improve overall network

throughput.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Graves et al, USP 2003/0007621 A1. *Systems and Processes for Call and Call Feature Administration on a Telecommunications Network.*

- Voice XML Forum, *Voice Extensible Markup Language VoiceXML*, August 1999

- Dodrill et al, USP 6,578,000 B1. *Browser-Based Arrangement for Developing Voice Enabled Web Applications using Extensible Markup Language Documents.*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher M Swickhamer whose telephone number is (703)

306.4820. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872.9314.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305.3900.

CMS
January 12, 2004

HASSAN KIZOU
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